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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,441	02/19/2002	Yoshiyuki Batori	1232-4823	9185

27123 7590 04/27/2004  
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NEW YORK, NY 10154

EXAMINER
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MASINICK, MICHAEL D

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 04/27/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/079,441

Applicant(s)

BATORI ET AL.

Examiner

Michael D Masinick

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/7.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-18, 21-25, 28-36 are rejected under 35 U.S.C. 102(b) as being anticipated by “AutoCAD 2000 – 3D Modeling, a Visual Approach” by John Wilson.

3. Referring to claim 1, Wilson shows an information processing apparatus comprising: visual line setting means for setting an arbitrary visual direction for a 3D model (Figures 2.16, 2.29); attribution input means for entering attribution information so as to position said attribution information in said arbitrary visual direction set by said setting means (Page 466, figure 6,18); and storage means for storing said arbitrary visual direction and said attribution information in correlation with each other. Examiner notes that AutoCAD is a software program made to create drawings which has a save function like all windows programs under the “file” menu.

4. Referring to claim 6, Wilson shows an information processing apparatus comprising: three-dimensional data generation means for generating data for a three-dimensional object (Basis of AutoCAD); visual line setting means for setting a visual direction for data generated by said three-dimensional data generation means (Figure 2.16); attribution setting means for setting attribution information (Page 466, figure 6,18); and control means for storing said visual direction set by said visual line setting means in storage means with said attribution information.

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set by said attribution setting means. Examiner notes that AutoCAD is a software program made to create drawings which has a save function like all windows programs under the "file" menu.

5. Referring to claim 8, Wilson shows an information processing method comprising: a visual line setting step of setting an arbitrary visual direction for a 3D model (Figure 2.29); an attribution input step of entering attribution information so as to position said attribution information in said arbitrary visual direction set at said setting step (Page 466, figure 6,18); and a storage step of storing said arbitrary visual direction and said attribution information in correlation with each other. Examiner notes that AutoCAD is a software program made to create drawings which has a save function like all windows programs under the "file" menu.

6. Referring to claim 13, Wilson shows a computer executable program product comprising: code for setting an arbitrary visual direction for a 3D model (Figure 2.29); code for entering attribution information so as to position said attribution information in said arbitrary visual direction that is set (Page 466, figure 6,18); and code for storing said arbitrary visual direction and said attribution information in correlation with each other (Layers, Section View). Examiner notes that AutoCAD is a software program made to create drawings which has a save function like all windows programs under the "file" menu.

7. Referring to claim 14, 21, 28-36, Wilson shows an information processing apparatus comprising: attribution input means for entering attribution information for a 3D model (Page 466, figure 6,18); attribution allocation plane setting means for setting a virtual plane with which said attribution information is correlated (Layers, Section View); and storage means for storing said virtual plane and said attribution information in correlation with each other. Examiner notes

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that AutoCAD is a software program made to create drawings which has a save function like all windows programs under the "file" menu.

8. Examiner notes that claims 30, 32, 34, and 36 seem to be repetitive claims from the claim they depend from. Please specifically note the differences in a reply to this office action or cancel these claims.

9. Referring to claim 2, Wilson shows instruction means for instructing said arbitrary visual direction that is set (Figure 2.29); and display means for displaying said attribution information that is correlated with said visual direction designated by said instruction means (Figure 2.16).

10. Referring to claim 3, Wilson shows grouping means for grouping a plurality of attribution information sets entered by said attribution input means (AutoCAD Layers or Section Views - page 479); and storage control means for storing said attribution information groups in said storage means with said visual direction set by said visual line setting means. As noted above, if the attribute information can be created in layers, it must also be able to be saved in these same layers so that the operator could come back later and continue working.

11. Referring to claims 4 and 11, Wilson shows wherein said storage control means stores said attribution information groups in correlation with different attribution information in a plurality of like visual lines (Section View, page 479).

12. Referring to claim 5 and 12, Wilson shows wherein said visual line setting means sets different positions in the same visual direction; and wherein said storage control means stores attribution information in correlation with said different positions in the same visual direction (Section View, page 479).

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13. Referring to claim 7, Wilson shows selection means for selecting a visual direction; and display control means for displaying said object based on said visual direction selected by said selection means and attribution information correlated with said visual direction (Figure 2.29).

14. Referring to claim 9, Wilson shows an instruction step of instructing said arbitrary visual direction that is set; and a display step of displaying said attribution information that is correlated with said visual direction designated at said instruction step (Figure 2.29). Examiner notes that when the view is changed, AutoCAD inherently changes the view of the attribution information as well.

15. Referring to claim 10, Wilson shows a grouping step of grouping a plurality of attribution information sets entered at said attribution input step; and a storage control step of storing said attribution information groups at said storage step with said visual direction set at said visual line setting step (Section View, page 479).

16. Referring to claims 15, 16, 22, and 23, Wilson shows attribution information allocation means for allocating said attribution information in the normal direction of a virtual plane set by said attribution allocation plane setting means. Examiner notes that this means “using a layer” and assigning attributes to a specific layer. This is well known in as an AutoCAD function.

17. Referring to claims 17 and 24, Wilson shows display method setting means for setting at least one of a display information set, a display magnification, a display center and a display direction (Figure 6.18), wherein said storage means stores, on said virtual plane set by said attribution allocation plane setting means, said display method information set by said display method setting means (“Dimensions in model space” paragraph on the page following page 459).

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18. Referring to claims 18 and 25, Wilson shows holding means for holding, together with said 3D model, said virtual plane set by said attribution allocation plane setting means and said display method information set by said display method setting means. Examiner notes that this means “using a layer” and assigning attributes to a specific layer. This is well known in as an AutoCAD function. Examiner also notes at the language of this claim is confusing and may be misinterpreted.

***Claim Rejections - 35 USC § 103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 19, 20, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over “AutoCAD 2000 – 3D Modeling, a Visual Approach” by John Wilson as shown above and further in view of “AutoCAD 2000: The complete reference” by David Cohn.

21. Referring to claims 19 and 26, Wilson does not specifically show attribution information size setting means for, based on said display magnification for said display method information set by said display method setting means, setting the size of said attribution information base.

22. Cohn shows attribution information size setting means for, based on said display magnification for said display method information set by said display method setting means, setting the size of said attribution information base (Examiner notes that this is an inherent feature to any graphics program. When you zoom in, the features get bigger.).

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23. It would have been obvious to one of ordinary skill at the time the invention was made to use the basic AutoCAD information as shown in Cohn in the 3D modeling of Wilson because the parts shown in Cohn are simply pieces of the software of Wilson that are of such basic skill level that they are not shown in the reference. Examiners notes that all pieces of the Cohn reference are also found in the Wilson reference because it is the very same software program.

24. Examiner also notes that all claim limitations of claim 19 are moot because the "display magnification" limitation of claim 17 may not be selected.

25. Referring to claim 20 and 27, Cohn shows a display coordinate axis setting means for setting the horizontal or perpendicular direction on a display; and display means for displaying said 3D model or said attribution information based on information set by said display coordinate axis setting means (Figure 19.1).

### ***Conclusion***

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and to the state of the art at the time of invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D Masinick whose telephone number is (703) 305-7738.

The examiner can normally be reached on Mon-Fri, 7:30-4:00.



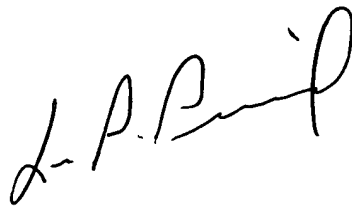
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MDM

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A handwritten signature in black ink, appearing to read 'L. Picard', is written diagonally across the page.

**LEO PICARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**